



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,291	12/03/2003	Brian C. Morris	S-00014-011	6923
25179 7590 11/10/2009 A PATENT LAWYER CORP, PLC R WILLIAM GRAHAM 22 S ST CLAIR ST DAYTON, OH 45402				
EXAMINER WILLIAMS, JEFFERY L				
ART UNIT 2437		PAPER NUMBER		
NOTIFICATION DATE 11/10/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

apatentlawyer@hotmail.com

### Office Action Summary

**Application No.**

10/727,291

**Applicant(s)**

MORRIS ET AL.

**Examiner**

JEFFERY WILLIAMS

**Art Unit**

2437

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 9, 11, 12 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 11, 12 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

Claims 1, 9, 11, 12 and 19 are pending.

This action is in response to the communication filed on 8/25/09.

All objections and rejections not set forth below have been withdrawn.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/09 has been entered.

***Claim Objections***

Claims 1, 9, 11, 12 and 19 are objected to for comprising inconsistent recitations. Specifically, these claims inconsistently recite a second SSL connection as a "second connection", "second SSL connection", and "second concurrent SSL connection". For the purpose of examination, the examiner presumes that the applicant intends to recite "second SSL connection" throughout the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 9, 11, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (Aziz), "Method and Apparatus for Providing Secure Communication with a Relay in a Network", U.S. Patent 6,643,701 in view of Gast, "System and Method for Accelerating Cryptographically Secured Transactions", U.S. Patent Publication 2003/0046532.**

Regarding claim 1, Aziz discloses a system for establishing first (fig. 3:310) and second SSL connections (fig. 3:330) between a client and a web server. The system comprises:

*a web server computer having SSL protocol server software operably associated therewith for enabling a first SSL connection, wherein SSL protocol server software includes a CA certificate and private key (fig. 3:340; 6:21-24; 5:6,7),*

*and a client computer communicatively linked to said web server computer having web browser software having SSL protocol client software operably associated therewith for enabling said first SSL connection between said client computer and said web server computer (fig. 3:300, 310; 6:18-21),*

1 Aziz discloses client and server software operably associated with the client  
2 computer and the web server computer (fig. 3:320; 6:4-26, 38-40 – herein, Aziz show's  
3 software code for communicating with a client [i.e. "client software"] and software code  
4 for communicating with a server [i.e. "server software"])). Aziz does not appear to  
5 explicitly recite that such software is "SSL acceleration software". However, Gast  
6 explicitly recites that client and server software can be for the purpose of acceleration  
7 (Abstract, fig. 2:200). It would have been obvious to one of ordinary skill in the art to  
8 recognize the benefits of acceleration as disclosed by Gast within the system of Aziz.  
9 This would have been obvious because one of ordinary skill in the art would have been  
10 motivated by the advantages of speed and efficiency.

11 The combination enables:

12 *SSL acceleration server software operably associated with said web server*  
13 *computer which includes a pseudo CA certificate (Aziz, 5:11) and access to said private*  
14 *key and a public key (Aziz, fig. 3:320; 5:6-13; Gast, fig. 2:202,214, 206, 212) and*  
15 *wherein said first SSL connection is established between said web browser software*  
16 *and SSL acceleration client software operably associated with said client computer*  
17 *(Aziz, fig. 3:320; 5:6-13; Gast, fig. 2:202,214, 206, 212) wherein said SSL acceleration*  
18 *software communicates with said SSL acceleration server software to receive a copy of*  
19 *said pseudo CA certificate and said public key and present said pseudo CA certificate to*  
20 *said web browser software for validation thereof (Aziz, 5:6-13) for enabling a second*  
21 *connection (Aziz, fig. 3:330) concurrent with said first SSL connection (Aziz, fig. 3:310)*  
22 *between said client computer and said web server computer, wherein said second SSL*

1 *connection is established between said SSL acceleration client software and said SSL*  
2 *acceleration server software in a manner which permits optimization techniques to be*  
3 *applied on data transmitted through said second concurrent SSL connection (Gast, fig.*  
4 *2:202, 214, 206, 212).*

5  
6 Regarding claim 2, the combination enables:  
7 *wherein said SSL acceleration client software is further equipped for monitoring*  
8 *when said web browser requests said first SSL connection with said web server*  
9 *computer and intercepting said SSL request from said web browser, and diverting*  
10 *communication through said second connection (Aziz, 4:49-65; 7:54-8:5).*

11  
12 Regarding claims 11 and 12, they comprise essentially similar limitations to the  
13 rejected claims above, and they are rejected, at least, for the same reasons.

14  
15 **Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable**  
16 **over the combination of Aziz and Gast in view of Freed et al. (Freed), "Secure**  
17 **Sockets Layer Proxy Architecture", U.S. Patent Publication 2003/0014628.**

18  
19 Regarding claims 9 and 19, the combination recites software for transforming  
20 SSL data transmissions, but does not appear to explicitly recite compression. Freed,  
21 however, teaches that SSL data transmissions are transformed by compression (Freed,  
22 par. 10, 52). It would have been obvious to one of ordinary skill in the art to employ

compression within the SSL data transmission of the combination of Aziz and Gast.  
This would have been obvious because one of ordinary skill in the art would have been motivated by the teachings of the prior art regarding the nature of SSL transmissions.

***Response to Arguments***

Applicant's arguments filed 8/25/09 have been fully considered but they are not persuasive.

Essentially, the Applicant argues or asserts:

(i) *The claimed invention is not shown, taught or suggested in the prior art. The basis for this amendment was discussed as being shown and described in the specification (pp. 5-7) and drawings (see FIG. 2A and 2B). Cancelled claims are done without acquiescing to the ground of rejection, but for the purpose of simplifying the issues for review in order to gain allowance or place the claims in condition for appeal.*  
(Remarks, pg. 7)

In response, it is respectfully noted that:

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

### ***Conclusion***

A shortened statutory period for reply is set to expire **3** months (not less than 90 days) from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery Williams/  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437